HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.1284 of 2006

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Between:

Tulsidas Patel

……Appellant

And

The District Collector,
Ranga Reddy District,
At Lakdikapool, Hyderabad
and eight others

……Respondents

:: JUDGMENT ::

Counsel for the Appellant : Shri E. Madan Mohan Rao

December 06, 2006

Per G.S. SINGHVI, CJ

This appeal is directed against order dated 15-11-2006 passed by the learned Single Judge, whereby he dismissed the writ petition filed by the appellant for restraining the respondents from interfering with his possession over the land measuring Ac.037 guntas in Survey Nos.220 and 221 situated at Kapra Village of Keesara Mandal, Ranga Reddy District.

The appellant claims to have purchased the land in question from M.Ram Reddy, S/o.M.Papi Reddy by registered sale deed dated 19-9-1997 despite the fact that the same stood acquired by the State Government in 1966 for establishment of Nuclear Fuel Complex (NFC). The appellant is said to have represented to the State Government for releasing the land in question by asserting that the suit filed by him for grant of declaration and perpetual injunction against the State of Andhra Pradesh and Mandal Revenue Officer, Keesara was decreed by Principal Senior Civil Judge, Ranga Reddy District vide his judgment dated 16-6-2006. He also relied on G.O.Ms.No.375, dated 7-9-2002 and pleaded that in view of the withdrawal of acquisition of some parcels of land, the respondents should be ordained to release the land in question as well.

We have heard learned counsel for the appellant and perused the record. The representation made by the appellant for release of land was rejected by Special Deputy Collector (Land Acquisition) (Industries), Hyderabad vide Memo dated 3-11-2006, the relevant portions of which are extracted below:

> "The above representation has been examined under the provisions and the judgments of the various civil courts:
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> The Hon'ble Supreme Court of India reported in AIR 2000

SC 3318, AIR 1963 SC 1241, AIR 1988 SC 157 and ILR 1970 Cut. 1318 (DB), it was held that Article 298 of the Constitution extends the power of the State to carry on any trade and to the acquisition, holding and disposal of the property subject to the legislative powers of the State. As such, the Govt. has constitutional power and jurisdiction to take appropriate decision to protect the public interest. The Hon'ble Supreme Court, further held that generally, the method adopted for transfer of the State land is public auction. But such rule is not invariable rule. There maybe situations where there are compelling reasons necessitating departure from the general rule. These exceptions to the general rule could be justified by the State if challenged in appropriate proceedings.

In the present case, though Ram Reddy appears to have acquired prescriptive title over the subject lands, as held by Hon'ble Civil Court in O.S.No.1789 of 2005, the Govt. in view of the peculiar facts and circumstances of the case, to avoid protracted litigations, in the public interest, issued G.O.Ms.No.375, dated 7-9-2002, in favour of LRs. of Ram Reddy, after collecting the land price as consequential one.

Aggrieved with the said G.O.Ms.No.375, dated 7-9-2002, W.P. No.17191 of 2006, was filed before the Hon'ble High Court of A.P. by way of public interest litigation. In the said writ petition, the Division Bench of the Hon'ble High Court confirmed the said G.O. holding that, even on merit, there are no legal infirmities warranting interference under Article 226 of the Constitution of India and dismissed the said writ petition on 23-8-2006.

Subsequently, another Writ Petition No.21678 of 2006, and a Writ Appeal No.1094 of 2006, were also filed questioning the said G.O., but the Hon'ble Court dismissed the same. Moreover, the said G.O. was issued in the name of some persons, who appear to have acquired prescriptive title, as such no prejudice would be caused to either applicant or any one.

For the foregoing reasons, more particularly in view of the Division Bench judgment of the Hon'ble High Court of A.P., in a public interest litigation vide W.P.No.17191 of 2006, dated 23-8-2006, the present application deserves no

consideration. Hence, the same is rejected."

The appellant challenged the aforementioned Memo in Writ Petition No.23788 of 2006, which was dismissed by the learned Single Judge. The learned Single Judge referred to order dated 23-8-2006 passed by the Division Bench in Writ Petition No.17191 of 2006, whereby G.O.Ms.No.375, dated 7-9-2002 was upheld and order dated 18-10-2006 passed in Writ Petition No.21768 of 2006 – **G.Narasaiah v. The Government of Andhra Pradesh** and held that the writ petitioner is not entitled to any relief.

Sri E.Madan Mohan Rao, learned counsel for the appellant fairly stated that some writ petitions filed by other similarly situated persons have been dismissed by this Court, but argued that Memo dated 3-11-2006 is liable to be quashed because the reasons assigned by the Special Deputy Collector (Land Acquisition) for refusing to recommend the release of the appellant's land are wholly irrelevant and extraneous. We have given serious thought to the argument of the learned counsel, but have not felt impressed. Rather, we are convinced that the writ petition is liable to be dismissed because large number of similar cases have been dismissed either by the Single Bench or by the Division Bench. Writ Petition No.24641 of 2005 filed by M.Bhaskar Reddy for release of a portion of the land acquired by the State Government for establishing NFC was dismissed by the learned Single Judge vide his order dated 21-11-2005. Writ Appeal No.2335 of 2005 filed against that order was dismissed by the Division Bench vide judgment dated 29-11-2005. Petition for Special Leave to Appeal (Civil) No.1470 of 2006 filed by M.Bhaskar Reddy was dismissed by the Supreme Court on 27-1-2006. Writ Petition No.18864 of 2006 filed by M.Basanth Reddy for

grant of benefit in terms of G.O.Ms.No.375, dated 7-9-2002 was dismissed by another learned Single Judge on 13-9-2006. Writ Appeal No.954 of 2006 filed by M.Basanth Reddy was dismissed by the Division Bench on 18-9-2006. Writ Petition No.17191 of 2006 filed by H.Kanakaiah for grant of similar relief was dismissed by the Division Bench with costs of Rs.25,000/-. Writ Petition No.25091 of 2006 filed by Smt.M.Saraswathi questioning the acquisition of land comprised in Survey Nos.220 and 221 was dismissed by the learned Single Judge vide his order dated 1-12-2006. Similarly, Writ Petition No.22265 of 2006 filed by Molugu Amarender Reddy and another for getting released the land comprised in Survey Nos.220 and 221 was dismissed by the learned Single Judge as withdrawn. Writ Appeal No.1094 of 2006 filed by G.Narasaih was dismissed by the Division Bench on 26-10-2006.

From what we have noted above, it is clear that all the writ petitions and writ appeals filed for challenging the acquisition proceedings and/or for release of the land from acquisition have been dismissed by the learned Single Judges and Division Benches. Special Leave Petition filed in one of the cases was also dismissed by the Supreme Court. Therefore, we do not find any justification to take a different view and entertain the prayer of the appellant.

There is another reason for our disinclination to entertain the appellant's prayer. Admittedly, he had purchased the land after finalisation of the acquisition proceedings. Therefore, he does not have the locus to question the acquisition or seek release of the land purchased by him.

In the result, the appeal is dismissed.

As a sequel to dismissal of the appeal, WAMP.No.2703 of 2006 filed by the appellant for interim relief is also dismissed.

G.S.SINGHVI, CJ

6th December, 2006

C.V.NAGARJUNA REDDY, J

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